IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9807 OF 2004

Group Grampanchayat Dhatav & anr. ..Petitioners.

Vs.

Smt.Kunda Prabhakar Javkar & anr. ..Respondents.

....

Ms.Nayana Thatte for the Petitioners.

Mr.S.V.Gavand for Respondent No.1.

....

CORAM : DR.D.Y.CHANDRACHUD, J.

12th April, 2005.

P.C. :

The order of the learned Civil Judge, Junior Division, Roha granting an interim injunction in favour of the First Respondent - Plaintiff and which has been confirmed in appeal does not call for interference at this stage. There is purely an interlocutory finding which is not shown to be perverse or as would warrant interference under Article 227. However, it may be noted that in paragraph 13 of the impugned order of the learned Additional District Judge, there is a

reference to the statement of the Plaintiff in the following terms :

> "In her statement plaintiff has categorically admitted that she never made obstruction to the villagers for immersion of Ganesh statues in the river, nor she was going to obstruct them in future."

In this view of the matter, counsel appearing for the Petitioners states that the Petitioners will move an application before the Trial Court for appropriate reliefs in the event there is any necessity to do so at the time of the Ganesh festival. In the event that such an application is made, it is needless to add that it would be considered in accordance with law by the learned Trial Judge. The Petition is accordingly rejected.